REMARKS

This response is to the official action mailed in the above-referenced application on March 18, 2005. In that action the Examiner referred to an IDS filed in the present case on May 14, 2001, saying the IDS was not compliant with several provisions of the law and applicable rules. The applicant and the undersigned agent of the applicant have searched the available records and the case file, and have determined there was no IDS filed in this case on May 14, 2001, so both are confused as to the origin of the Examiner's statements. There were, however, two IDS's filed in this case, one on March 24, 2005 and another on May 16, 2005, and the documents cited in these are valid documents listed in a search report in a foreign counterpart of the present application. Applicant expects, and earnestly entreats that the documents in both of these IDS filings be considered by the Examiner in the present case, as both were timely filed after receipt of the International search reports.

Also in the instant action the Examiner has rejected claims 17 through 37 (all of the standing claims) as being anticipated by Kaufman, US 6,654,367, hereinafter Kaufman. The applicant has read the Kaufman reference carefully and has also reviewed the Examiner's rejections and reasoning with equal care, and in response has cancelled claims 17-37 and has added new claim 38-49. The new claims follow generally the subject matter of the cancelled claims, and are provided instead of claim amendments because the amendments to be made are rather extensive and might create confusion. The applicant felt the mechanism of a new set of claims, drafted after reviewing Kaufman and the other new art in the case, provide the best vehicle for establishing the subject matter believed to be patentable over the art now in the case. Further, the applicant states that he believes many of the claims cancelled may be patentable as well, and he does not mean by the cancellation of any claim that he agrees that the claim is overcome by the art. The applicant intends to file one or more additional cases with similar claims, and makes no admission express or implied that

claims amended or cancelled are not patentable.

New claim 38 recites:

38. (New) A Web browser application for an Internet-connectable audio-player device, comprising:

a mechanism for invoking a Universal resource Locator (URL) of an accessible site on the Internet; and

functionality for reading embedded code in the site to find a link to downloadable audio content;

wherein the browser determines a link is a link to downloadable audio content by presence of code for initiating an audio player application.

The patentable heart of new claim 38 is the particular means by which the unique browser searches for and finds links to downloadable audio in a web site, which is by reading embedded code in the site, and looking for code that is meant to invoke an audio player (ie. RealPlayer, Windows Media Player, etc.).

Kaufman teaches beginning in column 3, line 63 that his system may "crawl" the web during "off times" and set IP address for audio sources; and continues that audio sources may be identified by information obtained in a header of received IP packets. In contrast the as-filed specification for the present case teaches beginning on page 20 at line 28 that "Moreover, identification and differentiation of audio hyper-links from other server links such as banner ads and the like can be made by browser 103 through an enhancement allowing for identification of code that must be embedded in an audio link for invoking player software."

The applicant wished to point out that Kaufman may be correct that a data packet from an audio link may, by some header or other, indicate that the packet is an audio packet; but to make the determination that way one must begin to download packets from the destination of the link. That means the link must be invoked and a

download started before the determination can be made.

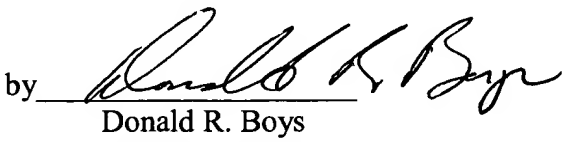
The idea is to determine which links are actually audio links before the link is invoked and any downloading is done, so only audio links are selected. Applicant's functionality does that, and Kaufman's does not. Moreover, if it were obvious to one of ordinary skill, which Kaufman certainly must be, Kaufman would have recognized that his teaching is essentially unworkable.

Applicant therefore believes that new claim 38 is patentable over the art cited and applied, and that claims 39-43 are patentable at least as depended from a patentable claim.

New claim 44 is the method equivalent of new claim 38, and is patentable over the art by the same reasoning presented above on behalf of claim 38. Claim 45-49 are therefore patentable on their merits, or at least as depended from a patentable claim.

If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,
Donald Robert Martin Boys

by 
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